

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28967 of 2025

Arising Out of PS. Case No.-271 Year-2020 Thana- BAHERA District- Darbhanga

1. Chandan Jha @ Chandan Kumar Jha S/o Late Ganesh Jha Resident of Village- Pohaddi, PS- Bahera, District- Darbhanga.
2. Bhagirath Jha S/o Late Pitamwar Jha Resident of Village-Pohaddi, PS- Bahera, District- Darbhanga.
3. Narayan Jha S/o Late Nakchhedi Jha Resident of Village- Pohaddi, PS- Bahera, District- Darbhanga.
4. Vilash Jha @ Ram Vilas Jha @ Rambilas Jha S/o Late Nathe Jha @ Bishvanath Jha @ Vishwanath Jha Resident of Village- Pohaddi, PS- Bahera, District-Darbhangha.
5. Ullas Jha @ Umesh Jha @ Umesh Kumar Jha @ Hulas Jha S/o Late Nathhe Jha @ Ratneshwar Jha Resident of Village- Pohaddi, PS. Bahera, District- Darbhanga.
6. Vinod Jha S/o Late Harishchandra Jha Resident of Village Pohaddi, PS- Bahera, District-Darbhangha.
7. Amaresh Jha @ Amaresh Kumar Jha S/o Late Harishchandra Jha Resident of Village- Pohaddi, PS-Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Sr. Adv.
	:	Mr. Girish Pandey, Adv.
	:	Mr. Brajesh Sahay, Adv.
	:	Mr. Akash Ambuj, Adv.
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, App.
	:	Mr. Alok Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-06-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Bahera Police Station Case No. 271 of 2020, disclosing offences under Sections 147, 148, 149, 341, 323, 307,



379, 427 of the Indian Penal Code and Section 27 of the Arms Act.

3. Learned senior counsel for the petitioners submits that petitioner no. 2 has died and petitioner nos. 3 and 7 have been arrested and petitioner no. 7 has been granted regular bail by the competent Court, accordingly, he does not press this application for petitioner nos. 2, 3 and 7.

4. The application on behalf of petitioner nos. 2, 3 and 7 has become infructuous.

5. Accordingly, the present application with regard to to petitioner nos. 2, 3 and 7 is dismissed as infructuous.

6. Insofar as petitioner nos. 1, 4, 5 and 6 are concerned, they have renewed their prayer for anticipatory bail inasmuch as earlier the anticipatory bail of the petitioners was disposed with liberty to the petitioners to renew their prayer for anticipatory bail in accordance with law.

7. The prosecution case, in brief, is that on 30.07.2020, at about 5:00 PM, while the informant was at her home, all accused persons, including the petitioners, armed with weapons, came and started abusing her. One of the co-accused, Pappu Jha, started searching the son of the informant Sunny Jha and started questioning as to why he was not registering the land



in his favour, upon which the informant asked to give proper consideration amount. Upon hearing this, the co-accused Pappu Jha took out a pistol and fired at the informant, but the bullet missed the target. When the informant's brother-in-law arrived there, co-accused Pappu Jha fired upon him, which hit his right thigh. Thereafter, all the accused persons looted gold and silver worth Rs 5 lakh from the house of the informant. They also vandalized the Marazzo and Duster cars parked outside her house. The accused persons tried to set ablaze the house of the informant by sprinkling petrol.

8. Learned senior counsel for the petitioners submits that both the parties are closely related and there is a dispute between them regarding land which would be evident from the FIR itself. The allegation of firing is specific against Pappu Jha who has been arrested and granted regular bail by the concerned Court. The allegation against the petitioners is general and omnibus in nature. The similarly situated co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court in Cr. Misc. No. 14636 of 2025.

9. On the other hand, learned counsel for the informant submits that petitioners did not disclose the correct fact before this Court. They all entered into the house of the



informant, vandalized the same, broken the cars standing in front of the house of the informant and tried to set ablaze the house. The petitioners, for the first time, came before this Court for grant of anticipatory bail, took the plea that they were granted the privilege of Section 41A of the Code of Criminal Procedure and this plea was taken in order to impress upon the Court, the reason for approaching this Court for grant anticipatory bail after five years of lodging of the FIR. The petitioners filed a petition before the Superintendent of Police stating that Section 41A of the Code of Criminal Procedure is not applicable in a case registered under Section 307, would go to show that this plea of Section 41A of Cr.P.C. was taken by the petitioner at the time of hearing of the bail application.

10. Upon this, learned senior counsel for the petitioners submits that the submission regarding grant of privilege of Section 41A of the Code of Criminal Procedure to the petitioners was taken by the informant, which would be clearly evident from Para 6 of the earlier bail order, dated 27.02.2025.

11. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that both the parties are related, the



allegation against the petitioners are general and omnibus in nature and similarly situated accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court, I am inclined to grant the petitioners privilege of anticipatory bail.

12. This application is, accordingly, allowed.

13. Let the petitioner nos. 1, 4, 5 and 6, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Benipur Darbhanga, in connection with Bahera Police Station Case No. 271 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482(2) of the BNSS, 2023.

(Anil Kumar Sinha, J)

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